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Civil Service Technical Guild, Local 375 - FSCME, AFL-CIO

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## **ELECTION MANUAL and BYLAWS**

(Augments Guild Constitution- Article XIII)

### **I. NOMINATIONS**

#### **A. Nominating Committee**

1. The President (for Guild elections the President of the Guild and for Chapter elections the President of the Chapter) shall appoint this committee. (Guild Constitution - Art. XII, XIII & XV)
  - a. The Committee shall be appointed no later than the September (Guild Delegates & Chapter Membership) meeting in the election year.
  - b. The President (of the Guild) should consider diverse appointments from the various Chapters that comprise the Guild.
  - c. The Chapter Presidents should also *consider* appointments from various sections and divisions depending on *the size of the Chapter*.
  - d. No candidate for officer or delegate position may serve as a member of the Nominating Committee or Election Committee.
2. The Committee shall present nominations for each office at the nomination meeting.
3. Additional nominations shall be permitted from the floor at the nomination meeting.
4. Nominations by email are allowed.

#### **B. Notice of Nominations**

The Notice of Nominations (for the Local and Chapter elections) must be mailed at least fifteen (15) calendar days before/prior to the conductance of the nominations meeting to give advance notice to the membership. (Guild Constitution. - Art. XIII, Sec. I, and International Constitution. Appendix D, Sec. 2D). Notice may be mailed to each member at their last known address, or an advertisement in the DC 37 Newspaper the "Public Employee Press" shall be deemed sufficient form of notice in lieu of a direct Membership mailing; **said ad shall provide the same information as would normally be found on the postcard notice- see attached sample.**

##### **1. For Chapters Only**

The Nominations Meeting Notice shall be mailed out by the DC 37 Print Shop via request by the Local after having been proofed by the Chapter's Nominations or Elections Chair and by the Local; No chapter will conduct their own mailing. See below sample nominations notice postcard.

The chapter needs to provide twenty-one (21) calendar days lead time for the preparation, proofing and mailing of the notice. The latest date that the nominations meeting should be conducted is the last business date of October which will be the 29<sup>th</sup>, 30<sup>th</sup> or 31<sup>st</sup>. To conduct the meeting at this time, the postcard needs to be approved and submitted to the DC 37 Print Shop no later than October 9<sup>th</sup>. To ensure timeliness of the mailing, the chapter should coordinate with the Local in September and have their nominations meeting room booked prior to October.

2. **In addition to the above mandatory Nominations notice, a-nominations notices and reminders can be sent out via email to the members' personal email and agency email addresses subject to #B3 below.**

- 3. The only name(s) to appear on the Nominations or Elections notices and reminders is that of the Nominations or Elections Chair and/or Committee members. No chapter officers' names or positions are to be used in any election related notifications or communications to the chapter members.**

#### **C. Nominating Meeting**

1. Nominations for Local Officers and Delegates shall take place at a general membership meeting *which* may be held *at or prior* to the regular meeting of the Guild's Board of Delegates in the month of October of each election year or at a special called Nominations Meeting; no quorum is required for the nominations meeting.
2. Nominations for Chapter Officers and Delegates to take place at a general membership meeting or at a special nominations meeting of the Chapter in the month of October of each election year; if at a regular membership meeting, nominations must be conducted prior to the regular meeting business; no quorum is required for the nominations meeting.
3. Nominations can be made in person or through email; any member in good standing can nominate themselves or be nominated by another member; the nominated member does not have to be present at the nominations meeting. Nominations can also be done through email to the Nominations Committee / Chair for Local or Chapter Elections. If the Chapter does not set up a Nominations email address, the Local can do so upon request and will then forward the nominations emails to the Chapter Nominations Committee or Chair.

#### **D. Eligibility to Hold Office and to be Nominated**

##### **1. For the Local:**

To be eligible for nomination a candidate must be a member in good standing in Local 375 for at least one year prior to the "election;" AFSCME Elect. Manual, pg 7.

##### **2. For the Chapter:**

To be eligible for nomination a candidate must be a member in good standing in Local 375 for at least one year prior to the election AND must be a member of the Chapter in which he/she wishes to become a candidate, and must remain a member in that chapter throughout their term upon election; transfers from another Local 375 chapter are eligible for nomination as long as their combined membership in good standing prior to the election is not less than one year. *Upon transfer out or leaving the chapter, the elected member automatically resigns from their elected and/or appointed position.*

##### **3. Local and Chapter:**

To be nominated, elected, and to continue in office, the member MUST be on City-payroll and be employed within the jurisdiction of Local 375; upon leaving City-payroll (permanently- for any reason) which includes using up all "terminal leave," the member is "automatically resigned" and can no longer hold or continue in his/her elected officer or delegate's or appointed position(s).

##### **4. Delegate Positions:**

Delegates at any level of the Local are not considered officers; therefore, the one (1) year of continuous good standing is not a requirement to run for or hold these positions; the only requirement is that the member be in good standing in the Local leading to the election.

**NOTE:**

If no member in "good standing" is nominated for an officer's position, then a member with less than one year's membership in the Local or chapter can then be nominated for that open position, but only after no member in good standing is nominated. ~~Members with less than one (1) year's membership can be nominated for chapter delegate if there is an open delegate's position to be filled.~~

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**E. Local and Chapter Officer Positions**

1. Per the Guild's Constitution, Article IX, the officer's position are:

- 1. President
- 2. First Vice-President
- 3. Second Vice-President **(for smaller chapters, a 2<sup>nd</sup> VP position is optional)**
- 4. Secretary
- 5. Treasurer
- 6. Sergeant-at-Arms
- 7. Chairperson of the Executive Committee **(optional at the Chapter level where it's called Executive Board)**

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**2. Local 375 Delegate Positions**

- a. DC 37: 10 Local 375 DC 37 Delegates (subject to change depending on total Local membership).
- b. Central Labor Council: 8 CLC Delegates

**3. For Chapter Elections**

In order for a chapter to be viable, they must elect at least two (2) officers, a Chapter President and a Treasurer; although the latter can be a Secretary-Treasurer. All chapter checks require two (2) signatures, as is required with all Local checks per the AFSCME Financial Standards Code. Chapters can have standing committees, but these positions are appointed by the Chapter President and approved by the chapter's Executive Board which comprises the elected officers.

**a. Chapter Delegates**

- i. Chapter Delegates to the Local 375 Delegates Body are elected at the ratio of one (1) delegate for every twenty (20) chapter members, there shall be the same number of Alternate Delegates;

NOTE: One does not run for Alternate Delegate, but those receiving the next highest vote count are elected as Alternate Delegates who sit-in at the Delegates Meeting for any Delegates not in attendance. Delegates are not officers of the chapter and **do not** sit on the chapter's Executive Board.

The Local will make a final determination as to the actual number of chapter members prior to October of the election year.

- ii. In between chapter administration terms, if an opening in either, a Delegate's or Alternate-Delegate's position arises, the Chapter President can appoint either one to fill a void or opening. Also, if a Delegate's position opens, the Chapter President can then, through appointment, move an Alternate-Delegate into the Delegate's position, then appoint a new Alternate-Delegate; Alternate-Delegates **do not** automatically move-up to Delegate.

**b. Chapter Committee Chairs**

Committee Chairs are not officers; if the chapter wishes to have committee chairs, the Chapter President has the right to appoint committee chairs with the approval or ratification of the chapter's Executive Board. If the chapter Executive Board consists of less than three (3) elected officers, then the final approval of the appointed committee Chairs shall be made by the general membership of the chapter at a regularly scheduled monthly or special called meeting.

**F. Acceptance of Nomination**

- 1. Declination of a *nomination* requires affirmative action by the member *nominated*. (International Constitution, Appendix D, Sec. 2). Declination may be made at the nominating meeting. If the *nominated member* is not present, he/she must be contacted and asked to indicate *his/her* acceptance or

declination in writing to the Election Committee or the Nominations Committee. Acceptance or declination by the nominated member can be done via email if not present at the Nominations Meeting. If the Nominated Member cannot be contacted to receive their declination by the time the ballot is prepared for mailing to the members, or for the walk-in election (for chapters), then that member's name **must** be included on the ballot.

AFSCME Election Manual, Acceptance of Nomination, page 6:

“Those nominated shall be afforded the opportunity to decline. The name of any nominee who declines shall not appear on the ballot.”

Note that it is “the opportunity to decline,” not “the opportunity to accept” that is guaranteed. If a nominee is eligible for the office and if the nominee does not take the positive action of declining, that nominee's name **must** go on the ballot. (emphasis added)

- If the nominee declines, that nominee is not a candidate.
- If the nominee accepts, that nominee is a candidate.
- If the nominee does neither, that nominee is assumed to be a candidate.

2. No member can be a candidate for more than one Local Union office position *or more than one Chapter office position* (Guild Constitution. Art. XIV, Sec. 7). (Note: *Delegate positions, e.g.* as Delegate to a Convention or Central Labor Council or to DC 37, or Chapter are not deemed office positions, or officers of the Local or chapter.)
  - a. If a member is nominated to two or more offices (aka officer positions) in the same election, the member must select the office for which he/she wishes to be a candidate and decline all except that one. If the member fails to do so, the Election Committee shall assume the member is running for the first office for which he/she was nominated and that he/she has declined all other officer nominations. (AFSCME Election Manual Page 10).

## **II. CAMPAIGN**

### **A. Funds**

No funds of the Guild or Chapter shall be used to support the candidacy of any member.

### **B. Publications**

No publication sponsored or supported by the Guild or Chapter shall endorse or support any candidate.

### **C. City Resources**

No New York City or government owned or operated resources or property, including all Non-Mayoral agencies, authorities, etc., such as computers, fax machines, Internet, email, copiers, etc., be utilized for any member's election campaign; however, posting of campaign flyers on Union bulletin boards is permitted.

### **D. Campaign Literature**

1. Any nominee or announced candidate shall have the right to one (“1”) mailing to the membership prior to the election. This mailing must be at private expense. (AFSCME Constitution appendix Section 1c). There is no prohibition on a joint mailing by two or more candidates; however, it will be credited under just one member's name.
2. A mailing by a candidate must be processed as follows:
  - a. The candidate must obtain from the Secretary of the Guild a certification that

he/she is a candidate for office entitled to one mailing, providing that he/she meets DC 37's requirement that payment by certified check, money order or cash must be made to DC 37 for the cost thereof via the Accounting Dept.

- b. The candidate shall then walk their mailing submission through the DC 37 certification printing/ mailing process which entails meeting with the DC 37's Professional Staff's Division Associate Director, the DC 37 Accounting Dept. for payment, and the Print Shop's Director.
  - c. The candidate can either have the DC 37 Print Shop print their campaign material, or they can privately print it, then have the DC 37 Print Shop mail it.
1. Candidates are not entitled to the Guild's runoff of the membership list or any part thereof.
  2. Mailings must be only through the DC 37 Mailroom.

### III. ELECTION

#### A. Appointment of Election Committee

The President of the Guild or the President of the Chapter shall appoint an Election Committee for his/her respective election (Guild Constitution Art. XII & XV).

1. The President of the Guild shall consider appointing a minimum of 15 members, selected from different Chapters; **preferably, no more than two (2) from the same chapter.**
2. Any Chapter with more than 30 members should have a minimum of two members appointed to the Chapter's Election Committee.
3. No candidate for a Local Office or Delegate position may serve as a member of the Local's Election Committee.
4. No candidate for a Chapter Office or Delegate position may serve as a member of the Chapter's Election Committee.
5. The Election Committee shall be appointed no later than the Guild's Delegate Meeting and Chapter Membership Meeting in September of the Election year.
6. Nominating and Election Committees may be composed of the same members, e.g. the Nominating Committee may become the Election Committee.
7. **Election Committee Correspondence and Nominations Notice**

All mailings and letters of the Committee must be on stationery showing only the Guild's and/or Chapter's name / no officers) /Guild Constitution, Art. XIII Sec. 10.) The only name to appear on the Nominations Notice is that of the Chapter's Nomination or Election Committee Chair along with their email personal address to receive nominations.

#### B. Responsibilities of the Election Committee

1. Conducting elections pursuant to the Constitution (Chapter, Guild, AFSCME).
2. **Preparing the Ballot**
  - a. Candidates shall be listed on the ballot for each office in the order of nomination or alphabetically. If a change in the method of listing candidates is desired such change must be approved by membership vote or by the Election Committee BEFORE the nominations begin (AFSCME Election Manual Page 16 and 17).
  - b. The ballot should be headed "Official Ballot" followed by the Guild's name and Local number. The ballot shall include instructions for the return of the ballot and cite the

announced date of the deadline for the return of the ballots which shall be no less than twenty (20) days and no more than thirty days (30) after the mailing of the ballots.

### 3. Hearing Challenges: There Are Three (3) Types of Challenges

- a. *Challenge #1* is a formal objection to someone's right to run for office. It must be raised by a member **before** the election is actually held.
- b. The *challenge of a member being nominated for office or delegate* shall be referred to the Nomination/Election Committee (a/k/a "Committee") in writing and the Committee shall investigate the eligibility of the member to hold office, and must report its recommendation to the Guild's Executive Board prior to the election (AFSCME, App. D, Section 4).
- c. Such *challenges* must be made no later than ten (10) calendar days after the nominating meeting.
- d. *Challenges #2 and #3* concerning eligibility of a voter (Challenge #2) or a ballot (Challenge #3) shall be referred to the Election Committee at the ballot count and the Committee shall make a determination at that time.
- e. **For Chapter Elections Only**  
A *challenge* to someone's right to run for office shall be made to the Chapter Election Committee that then must investigate the member's eligibility to run for office and then decide the matter prior to holding the election.
- f. Appeals to the Local's Executive Committee must be made within ten (10) days of the Chapter Election Committee's decision, and filed with the Local's Secretary or President; the Executive Committee will then conduct a hearing at its next regularly scheduled or special called meeting and render a decision on the eligibility of the member to run for chapter office and/or for Delegate's position. At the Local's discretion, the Secretary or President may opt to conduct one (1) hearing session for a group of chapter appeals no later than November 20<sup>th</sup> of the election year or within forty-five (45) days of the filed appeal.

## C. Election Procedure

### 1. For Local Elections Only:

Ballots are to be mailed to all eligible members on file with DC 37 at the time of mailing said Ballots no sooner than twenty (20) calendar days (this is to allow any new candidates time to campaign), but no more than thirty (30) calendar days after the Nominations Meeting is conducted. These Ballots should be mailed at least twenty (20) calendar days prior to the deadline for the return of said Ballots; AFSCME Election Manual, pg. 31, ¶ 5.

Local-wide elections shall be conducted **by a third-party organization such as** the American Arbitration Association ("AAA").

### 2. For Chapter Elections Only:

- a. Elections may be held by mailed ballot as above which is the recommended process for all chapter elections; if so, **then a third-party organization such as** the American Arbitration Association ("AAA") **must** be utilized. The **chosen organization** will receive the most up to date membership list from DC 37 through the Local's direction.

Note: The DC 37 Print Shop is barred from directly participating in any elections. (or)

- b. Elections may be held at a membership meeting provided that:
  - i. The membership is duly notified in advance of these events by mail with the election notice being mailed to each member at the member's last known address at least fifteen (15) calendar days before the election date;
  - ii. **All candidates must agree to this procedure in writing;**
  - iii. **Enough time is allowed for all chapter members to cast ballots per AFSCME Election Manual page 17:**

“In the case of locals that have members working around the clock (hospital locals, correctional or other institutional locals, police locals, etc.), the problem is still greater. In those situations, the voting hours must be of sufficient length to allow members on all shifts “a reasonable opportunity to vote.””

Note: Chapters need to keep in mind that some members may be working in the field at construction sites, at other borough or field offices, traveling to the field during their day shifts, working non-normal day shifts, night shifts, etc. These members **must** be given the opportunity to cast their ballot, so the open voting period must be long enough to allow each member time to commute to the voting site(s) which should last into the evening.

- c. Chapter elections **shall not** be conducted at a restaurant. If space cannot be reserved at the agency, then the Local will assist in obtaining a location; All voting is by secret ballot, and the member must be able to cast his/her vote in total privacy; (or)
- d. Nominations, Elections and Ballot counting may be held at the same time providing that the above Section 2b restrictions are adhered to and proper notice has been provided.

### 3. Procedure for Mailing Ballots:

- a. Ballot shall be enclosed in an envelope together with an unmarked envelope (or one marked "Ballot") for insertion in the return envelope in accordance with aforementioned instructions for return.
- b. The return envelope shall provide on its face or back, for identification & confirmation of eligibility, the member's name (**printed for legibility and a signature line signed by the member**), home address and a AAA tracking number or I.D.
- c. The Ballot will be voided if the voting member's name is not legible on the return envelope or not signed.
- d. The aforementioned instructions accompanying the ballot shall indicate the designated date and location for the counting of the ballots, which shall be a date prior to the Board of Delegates meeting or, for Chapter Elections, the Chapter Membership Meeting in December of the year of election.

### 4. Procedure for Return of Ballots for Local and Chapter Mail-In Elections:

- a. The ballots shall be returned to a location selected by the AAA.
- b. The Ballots shall be picked up by the AAA at the US Post Office or may be mailed directly to the AAA's central office.
- c. Information as to date, time and place of ballot pick-up, review of received ballots, and ballot count will be furnished in the ballot package which will be sent to all members of the Local or respective chapter.

### 5. Procedure When Member does not Receive a Ballot.

- a. For Local and Chapter mail-in Elections, the Chapter President's authorized designee or Chapter Election Committee Chair or member shall furnish the name and home address of any member who does not receive a ballot directly to the AAA.
- b. Such request must be made no later than seven (7) calendar days prior to the deadline set for the return ballots.
- c. The AAA shall mail the ballot package directly to the home of the member together with a coded return envelope.

### 6 Recording the Ballot Count.

If a ballot is partly spoiled (such as by voting for two candidates in one office or voting for more candidates than indicated) only that portion of the ballot shall be voided. The vote for the unspoiled portion shall be recorded. **“If the intention of the voter is clear, count the vote.”** (AFSCME Election Manual, pg 20)

Only writing the member's name and/or address on the official ballot shall void the entire ballot; just because something may be written on the face of the ballot, does not void the ballot- see 7a above.

A complete record of void or blank ballots shall be kept.

#### **7. Reporting Elections Results.**

- a. The results of the Local election shall be reported at the Guild's Board of Delegates meeting following the specified date for the return of ballots but no later than the delegate meeting in December of the election year.
- b. All results of Chapter elections must be submitted by the Chapter's Election Committee Chair to the Guild's Secretary no later than the Guild's Board of Delegates meeting in December of the election year.
- c. The newly elected Chapter President shall submit to the Secretary of the Local the names of all the newly elected and appointed Officers, Delegates, Alternate Delegates, and Committee Chairs and their home addresses, their Employee ID Number, their home and/or cell phone number(s) and their work phone number and email addresses (personal and agency).

### **IV. PROTESTS**

#### **A. Filing**

Protests of Local Elections shall be in writing and filed with the Election Committee Chair or the President or the Secretary of the Guild within ten (10) calendar days following the ballot count (AFSCME App. D Sect. 4B); protests can be sent via email, by U.S. Mail (USPS), Fed Ex, fax, or hand delivered to the Local; it is recommended that all concerned i.e. the Election Committee Chair, President and Secretary of the Local are at least emailed the protest.

#### **B. Protest Hearing**

Within thirty (30) calendar days, the Election Committee shall conduct a hearing and give notice to the protester and all candidates, and provide the time, date and location of the hearing which must be conducted after normal working hours.

#### **C. Reporting**

The Election Committee shall report its findings to the Guild's Executive Board at its first meeting or special meeting immediately following the election, but no later than thirty (30) calendar days after receiving the filing of the protest. For Chapter Election determinations, presentation before the Executive Committee shall be no later than forty-five days (45) calendar days after the filing of the appeal or the initial handling of the chapter protest(s).

#### **D. Decision**

1. The Guild's Executive Board shall vote on the Committee's recommendation on the day presentation is made by the Election Committee.
2. If the Executive Board finds that a violation affected the outcome of the election, it **may** order the election or any part thereof set aside and a new election held. Any officer installed prior to such determination shall remain in office pending the outcome of any new election or future appeal (AFSCME Int'l Constitution, Appendix. D, Sec.4c).
  - a. The Election Committee (Guild and Chapter) shall remain active for at least ten (10) days after the vote count (The deadline for the filing of protests.) or at least to the final conclusion of any filed protests.
  - b. The President (Guild and Chapter) can appoint or reappoint the Election Committee or it can be dismissed after all filed protests are concluded (Guild Bylaws III-a Election Committee).



## E. Protests of Chapter Elections

Protests of Chapter elections shall be handled by the Election Committee of the individual Chapter. Protesters must file their written protest (emails acceptable) within ten (10) calendar days of the ballot count and declared winner(s) by the Chapter Election Committee and a copy of the protest must also be sent to the Guild's Secretary.

1. The Chapter's Election Committee shall conduct a hearing within thirty (30) calendar days of the filed protest and must submit its decision on such protest(s) in writing (emails acceptable) to the Secretary of the Local within ten (10) calendar days of that decision; the Committee shall also directly inform the protester in writing of its decision via email (personal and agency) and by certified return receipt mail within ten (10) calendar days of that decision.
2. Anyone wishing to appeal a Chapter Election Committee decision shall submit an appeal in writing to the Secretary of the Local within ten (10) calendar days of the receipt of the Committee's decision; the Local's Secretary shall also notify the protester via email (both personal and agency). Such appeals shall then be handled through the procedures IV-B and IV-C above.
3. If the Chapter Election Committee fails to either, hold a hearing or make a determination, then the protester will inform the Local's Secretary that no hearing was conducted and/or no decision was rendered, at which time, the Local's Secretary will then inform and direct the Local's Election Committee to handle the protest(s) under procedures IV-B and IV-C above and whose cost to conduct will be borne by the chapter.

## V. SANCTIONS FOR FAILURE TO HOLD CHAPTER ELECTIONS

- A. If a chapter fails to hold a proper Chapter election in time for the results to be submitted by the Chapter's Election Committee Chair to the Guild's Secretary in December of the Election year, the Guild will immediately suspend all payments of per caps, meeting expense money and Chapter President / Executive Stipend payments due as of December (Chapter Delegates are *excluded* from this suspension). The Chapter will forfeit all suspended payments.
- B. If a Chapter fails to properly conduct its election by the close of the election year, with the exception of holding or concluding a runoff election, the Guild shall conduct the chapter election on behalf of the chapter's membership in order to comply with both, AFSCME's and the Local's Constitutional mandates of holding democratic elections.
- C. The Guild's Election Committee will then be directed **by the President of the Local** to conduct the Chapter's Nominations and/or Elections, and charge any and all expenses accrued in the conduct of the Chapter's Election to the Chapter, and the Chapter's membership will be duly notified as to why the Local is handling the Chapter's election process.
- D. All payments to the Chapter of per caps, meeting expense money and Chapter President / Executive Stipend payments (See comments in V.A. above) will begin only after the newly elected officers of the Chapter are sworn-in.

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## VI. OFFICER'S TERM

- A. All elected officer and delegate positions officially end on the last day of the election term (December 31<sup>st</sup>) at one (1) second after midnight (12:00:01am) which will be the New Year. The newly elected officers and delegates are customarily sworn-in at the next regularly scheduled Delegates Meeting (at the Local level) and at the chapter level at the next regularly scheduled general membership meeting, after the Election Committee presents its election report to either, the Delegates Body (at the Local

level) or to the general membership (at the chapter level). For Chapters, the Officers can either be sworn-in by any member in good standing of the chapter or by a Local Officer at the next regularly scheduled chapter meeting which **must** be held in January.

**NOTE: CONFLICTING LANGUAGE**

In the event that there is conflicting language in this Local 375 Election Manual & Bylaws with that of the AFSCME International Constitution, AFSCME Election Manual or the Local's Constitution, the language in the

following respective order shall prevail and take precedent:

AFSCME Constitution, AFSCME Election Manual, Local 375 Constitution, Local 375 Election Manual and Bylaws.

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**VI. TIME SCHEDULE FOR ELECTIONS**

Time schedule for Elections Local & Chapter (Guild Construction - Art. XIII, Section 1: International Constitution - App. D, Sec. 2.0; AFSCME Election Manual, Page 31, ¶5)

